

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p><u>KNIGHT INDUSTRIES, INC.,</u> A corporation,  Plaintiff,  vs.  <u>WORTHINGTON CORPORATION,</u> A corporation,  Defendant.</p>		<p>For plaintiff:</p> <p>Mr. Gene L. Mortensen Rosenstein, Livingston, Fist and Ringold 300 McFarlin Building 11 East 5th Street Tulsa, OK 74103</p> <p>Mr. Joseph A. Sharp Mr. Jack Thomas 200 Franklin Building Tulsa, Oklahoma 74103</p> <p>For defendant:</p> <p>Mr. John S. Athens Mr. Bob F. McCoy 2400 First National Tower Tulsa, OK 74103 586-571</p>					
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-74	Clerk						
J.S. 6 mailed 3-1-76	Marshal						
Basis of Action: Collection of debt following termination of distributor agreement & mutual running account. Action arose at:	Docket fee Witness fees Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
	cc of	
11-20-74	1. Appl. and/OR ORDER TRANSFERING CAUSE from E.D. of OK to N.D. of OK, and said case is to be retained by Judge Luther Bohanon, filed. (LB-J)v	
11-20-74	2. cc of Docket sheet from E.D. of OK, filed. v	
11-20-74	MO: It is ordered by the Court that this case is transferred from the Honorable Allen E. Barrow to the Honorable Luther Bohanon. (AEB-J)v	
11-25-74	3. Deft's response to pltf's mot. to dismiss counterclaim and to pltf's brief in support thereof, filed. g	
9-30-74	Case called for non-jury trial before Morris L. Bradford, U.S. Magistrate, who served as Special Master. Trial held 9-30-74, Oct. 1,2,3, 7,8,9,10,15,21,23,24,29,30,31, Nov. 4, 7,8,11,12,13,14,15, 19,22,23, 25,26 & 27, 1974. Pltf. presents case in chief with testimony of witnesses. Pltf's exhibits admitted. On 10-1-74 deft's oral motion to dismiss was denied. Deft. presents case in chief with testimony of witnesses. Deft's exhibits admitted. Parties rest. Pltf. given 15 days from 11-27-74 to file response to deft's response to pltf's motion to dismiss counterclaim. Said motion taken under advisement. Parties given 30 days after filing of transcript to file suggested F/F & C/L. Oral arguments to be set at a later date. (MLB-Mag)hm	
12-18-74	4. Plaintiff's reply brief, filed. hm	
1-27-75	5. Pltf's proposed FF and CL for action on account stated, filed. lm	
1-27-75	6. Pltf's Memorandum of Citations and Authorities, Knight Industries, Inc. Action for an account stated, filed. lm	
2-3-75	7. Deft's Brief in Support of Its Requested Findings of Fact & CL in Action on Account, filed.jj	
2-3-75	8. Deft's Requested Findings of Fact & CL in Action on Account, filed.jj	
3-18-75	9. Transcripts of Proceedings held before Special Master Morris L. Bradford, volumes 1 through 18, pages 1 through 3904, filed. Millie Ballard was the reporter. v at file	
8-4-75	10. Plaintiff's Proposed Findings of Fact and Conclusions of Law for Defendant's Counterclaim Action of Manufacturers Product Liability, filed. mm	
8-14-75	11. Brief in support of pltf's proposed F/F & C/L for deft's counterclaim action of manufacturers products liability, filed. g	
8-18-75	12. Defendant's Requested Findings of Fact and Conclusions of Law in Counterclaim Action, filed. mm	
8-18-75	13. Defendant's Brief in Support of its Requested Findings of Fact & Conclusions of Law in Counterclaim Action, filed. mm	
10-1-75	MO: Case set for status report & disposition for 9:30 a.m., Monday, 11/3/75.(LB-J)rm-notices	
10-31	MO: Case stricken from docket of 11/3/75 pending filing of Special Master's Report.(LB-J)rm-parties notified by phone by K.Thompson	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-31-75	14. Findings of Fact and Conclusions of Law on Account Action stated, filed. (MLB-Mag.) rm - copies mailed	
10-31-75	15. Findings of Fact and Conclusions of Law on Counterclaim of defendant, filed. (MLB-Mag.)rm - copies mailed	
10-31-75	MO: Ordered by the Court that the parties are granted 10 days in which to file objections or corrections to the Findings of Fact and Conclusions of Law filed on this date by Morris L. Bradford, U. S. Magistrate.(LB-J)rm-letter	
11-4	16. Appl. of def't. fo r enlargement of time to file obj. or correc-tions to FF/CL of Magistrate, filed. g <i>otef</i>	
11-4	17. Order, filed, granting def't. until 12-1-75 to file objections to FF/CL of Magistrate. (LB-J)g cpies mailed	
11-20	MO: Ordered by the Court that the parties are granted until 12/1/75 to file objections to F&R of Magistrate on both the accounting suit and counterclaim. The parties are likewise given until 12/1/75 to file their application for attys. fees, with itemized statement of time and costs attached.(LB-J)rm-ltr	
12-1-75	18. Mot. of Deft. for allowance of attys' fees and costs in action on account stated, filed. tc	
12-1-75	19. Deft's brief in support of mot. for allowance of attys' fees & costs in action on account stated, filed. tc	
12-1-75	20. Brf. of Deft in support of objs. in action on acct stated, filed. tc	
12-1-75	21. Objs. of def't to recommended findings of fact & conclusions of law of special master in action on acct stated, filed.tc	
12-1-75	22. Brf. of Deft in support of objs in counterclaim action, filed tc	
12-1-75	23. Objs. of Deft to recommended findings of fact and conclusions of law of special master in counterclaim action, filed. tc	
12-1-75	24. Pltf's mot. to award costs including an atty's fee, filed. tc	
12-1-75	25. Pltf's objs to F/F & conclusions of law of special master, filed.tc	
12-8	MO: Case set for hrg. further evidence of either party as to the merits of the case; hearing evidence of either party as to reasonable attorneys' fees; and argument and objection of counsel relating to FF/CL & recommended Judgment of Special Master, for Tuesday, 12/16/75 at 9:30 a.m. (LB-J)rm - notices	
12-16	Case called for hrg. on pending motions and objections. All counsel present. Ct. finds that the ruling by Special Master on counter-claim of Worthington against Knight, which ruled in favor of pltf. Knight, is proper and reaffirmed by the Ct. Court hears oral argu-ment on basic account action, and on attorneys' fees. Pltf. directed to prepare proposed FF/CL on basic account action within 5 days; def. may object if desired. Case may be set at later date for further hearing.(LB-J)rm (F.Sickles-CR)( <i>all trial exhibits in Form 447</i> )	
1976 <i>26</i>	Joint Stipulation of Dismissal w/prejudice, filed.jj	
2-3-76	27. Order, filed and entered, dismissing all causes of action w/prej. each party to bear their own costs.(LB-J)rm-copies mailed	

DATE	PROCEEDINGS	Date Order or Judgment Note
3-24-76	Depositions returned - none	